

NOT DESIGNATED FOR PUBLICATION
ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA08-576

LESLEY HUNTER AND ALLEN
HUNTER,

APPELLANTS

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES,

APPELLEE

Opinion Delivered OCTOBER 1, 2008

APPEAL FROM THE
INDEPENDENCE COUNTY
CIRCUIT COURT,
[NO. JV-07-230]

HONORABLE STEPHEN CHOATE,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

SAM BIRD, Judge

The Independence County Circuit Court entered an order terminating the parental rights of appellants Lesley and Allen Hunter to their daughter, S.H., born August 3, 2007. The Hunters' attorney has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004), and Ark. Sup. Ct. R. 4-3(j)(1). The brief lists all rulings from the termination hearing that are adverse to the Hunters and explains why there are no meritorious grounds for reversal. The clerk of this court sent a certified copy of the brief and motion to Mr. and Mrs. Hunter, informing them of their right to file pro se points for reversal under Ark. Sup. Ct. R. 4-3(j)(2). They did not submit any points for appeal. Based on our review of the record, we

affirm the termination order and grant counsel's motion to withdraw.

The only ruling adverse to appellants was the termination decision. The Arkansas Department of Human Services (DHS) removed S.H. from the home in September 2007 after a family service worker observed Mrs. Hunter's irrational behavior, caused by her failure to take the anti-psychotic drug Haldol. DHS's emergency-custody petition and accompanying affidavit detailed a ten-year history of contact with the Hunter family. The circuit court granted custody to DHS and adjudicated S.H. dependent-neglected. The adjudication order stated that Mrs. Hunter suffered from schizophrenia and had not been taking her medication; that Mr. Hunter was on the central registry as a sex offender; and that the Hunters' parental rights were involuntarily terminated to two other children in separate cases.

At the termination hearing, family service worker Robin Tate testified that the Hunters had not completed parenting classes or attended counseling as ordered. She expressed concern about Mrs. Hunter's mental state, noting that Mrs. Hunter believed that S.H. and the two children to whom her parental rights had previously been terminated—all of whom were infants when they were removed from the home—could provide DHS with information about the case. Tate testified that Mrs. Hunter was schizophrenic and that Mr. Hunter was on the central registry. She also said that S.H.'s foster family had expressed an interest in adopting her.

Mrs. Hunter testified that she was not schizophrenic but suffered from anxiety. She said that a doctor prescribed pills for her but that she did not take them as recommended. Several times during the hearing, she was combative and made rather disturbing remarks, including comments about a "voodoo brain" in a jar. She also demonstrated a preoccupation with

S.H.'s hair and expressed doubt that DHS care givers knew how to use hair spray on the five-month-old child.

Mr. Hunter testified that he had been diagnosed with paranoid schizophrenia and was taking medication. He said that he recently lost his job. He also said that he had previously heard voices telling him to torture people to death, but he was not hearing them at the present time. He acknowledged that he had been to prison before, was currently on parole, and was awaiting a court date on a DUI charge.

We conclude that counsel has complied with Rule 4-3(j) and that the appeal is wholly without merit. We therefore grant the motion to withdraw and affirm the termination order.

Affirmed; motion to withdraw granted.

GLADWIN and ROBBINS, JJ., agree.